



**United States Department of Justice  
Environment and Natural Resources Division  
Environmental Enforcement Section**

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**Response Requested by August 27, 2008**

Michael K. Branstetter  
Hull & Branstetter Chartered  
416 River Street  
Wallace, Idaho 83873

August 22, 2008

RE: the Bunker Hill Mining and Metallurgical Complex Superfund Site, Idaho

Mr. Branstetter:

In my letter dated August 13, 2008, I requested that, in order to toll any potential statute of limitations deadline for twelve months and avoid filing a complaint pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), against Zanetti Brothers, Inc. on or before September 11, 2008, that Zanetti Brothers, Inc. sign and return a proposed Tolling Agreement. Since sending the proposed Tolling Agreement on August 13, we have identified corrections which we need to make to the proposed agreement, and we request that Zanetti Brothers, Inc. sign and return this revised version of the Tolling Agreement by no later than August 27, 2008.

The revised Tolling Agreement has been corrected to cover the entire "Bunker Hill Mining and Metallurgical Complex Superfund Site." Please note that the site name has been changed in the title, footer and first paragraph of the proposed Tolling Agreement. In addition, there is a correction in the first paragraph to "the United States" rather than "the United States, on behalf of the Environmental Protection Agency."

Again, a tolling period of twelve months should allow us sufficient time to conduct settlement discussions without simultaneous litigation. The tolling period will also give the United States time to consider Zanetti Brothers, Inc.'s financial resources and ability to pay a settlement amount. Please find attached the revised proposed Tolling Agreement with a tolling period of September 10, 2008 through September 12, 2009. I request that you sign and return the attached revised Tolling Agreement to me by no later than Wednesday, August 27, 2008. If

you have any questions regarding this matter, please contact me at [erika.zimmerman@usdoj.gov](mailto:erika.zimmerman@usdoj.gov) or (202) 514-5270.

Sincerely,

/s

Erika M. Zimmerman  
Environmental Enforcement Section  
Environment & Natural Resources Division  
U.S. Department of Justice

cc:

Cara Steiner-Riley

Kelly Cole

U.S. Environmental Protection Agency, Region 10

Kathy J. Zanetti, Registered Agent  
301 E. Mullan Ave.  
Osburn, ID 83849

enclosure